

FILED

May 18 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0655

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

WAYNE PERCY LINDSEY,

Defendant and Appellant.

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**AMENDED MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 18, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 18th day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Joselyn Hunt*
for LISA S. KORCHINSKI
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.

2. In my capacity as Chief Appellate Defender, I have assigned Lisa S. Korchinski to handle the above-entitled matter.

3. The Appellant's opening brief was first due on March 18, 2010. The brief is presently due on May 19, 2010.

4. Ms. Korchinski has reviewed the case file and has almost completed reading the transcripts, she has identified issues for appeal, however, she cannot complete the opening brief by the current due date.

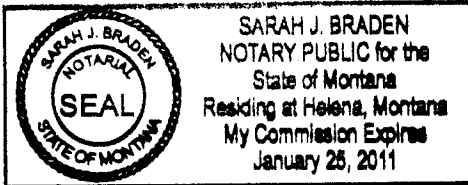
5. Ms. Korchinski will work diligently to complete the matter in the time requested.

6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.

Joslyn Hunt
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 18th day of May, 2010.



Sarah J. Braden
Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

GEORGE H. CORN
Ravalli County Attorney
Courthouse
205 Bedford Street, Suite C
Hamilton, MT 59840

WAYNE PERCY LINDSEY 2151437
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: 5/18/2010

Sarah J. Braden